

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6427

BILL NUMBER: HB 1099

NOTE PREPARED: Jan 26, 2006

BILL AMENDED:

SUBJECT: Fireworks Sales and Discharge.

FIRST AUTHOR: Rep. Frizzell

BILL STATUS: CR Adopted - 1st House

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill renames common fireworks as consumer fireworks. This bill allows for permits to be issued for special discharge locations for fireworks and sets conditions for issuance of the permits. It sets a permit fee of \$5,000 for the first location requested, and a fee of \$1,000 for each additional location, with the fees to be divided between the Firefighting and Emergency Equipment Revolving Loan Fund and the Public Employees' Retirement Fund Pension Relief Fund. The bill sets requirements for the structure in which consumer fireworks may be sold. It sets an annual registration fee of \$100 for an additional location over the first from which consumer fireworks are offered for sale for use at a location.

The bill removes the requirement that a purchaser of consumer fireworks provide a written assurance that the consumer fireworks will be shipped out of Indiana within five days of purchase. It makes it a Class A misdemeanor for (1) a person less than 18 years of age to knowingly or intentionally purchase consumer fireworks; (2) a seller of consumer fireworks to knowingly or intentionally fail to request photographic identification of a purchaser who appears less than 25 years of age; and (3) a seller of consumer fireworks to knowingly or intentionally fail to record certain information regarding a sale of consumer fireworks.

The bill makes it a Class D infraction, or a Class C infraction under certain circumstances, for a person to ignite, discharge, or use consumer fireworks intended to be used at a location at a site other than a location. The bill makes conforming amendments.

Effective Date: Upon passage.

Explanation of State Expenditures:

Explanation of State Revenues: The bill sets an annual registration fee of \$100 for an additional location over the first from which consumer fireworks are offered for sale for use at a location. The amount of revenue that will be generated by the provision is indeterminable. Fees collected are divided between the Firefighting and Emergency Equipment Revolving Loan Fund and the Public Employees' Retirement Fund Pension Relief Fund.

Penalty Provisions: The bill makes it a Class A misdemeanor for (1) a person less than 18 years of age to knowingly or intentionally purchase consumer fireworks; (2) a seller of consumer fireworks to knowingly or intentionally fail to request photographic identification of a purchaser who appears less than 25 years of age; and (3) a seller of consumer fireworks to knowingly or intentionally fail to record certain information regarding a sale of consumer fireworks. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

A person who ignites, discharges, or uses consumer fireworks intended to be used at a special discharge location at a site other than a special discharge location commits a Class D infraction. However, if a person commits an offense not later than five years after the date of the commission of a prior offense, the person commits a Class C infraction. The maximum judgment for a Class D infraction is \$25. The maximum judgment for a Class C infraction is \$500. Infraction judgments are deposited in the state General Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: *Penalty Provisions:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: An individual must apply to the chief of a municipality's or a township's fire department for a permit to sponsor a special discharge location in the municipality or the township. The bill sets a permit fee of \$5,000 for the first special discharge location, and a fee of \$1,000 for each additional location. The amount of revenue that will be generated by the bill is indeterminable. Fees collected are divided between the Firefighting and Emergency Equipment Revolving Loan Fund and the Public Employees' Retirement Fund Pension Relief Fund.

Penalty Provisions: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Office of the State Fire Marshal.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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